

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.

Debtor.

Case No. 1:13-mc-00184-NT
Chapter 11

**CHAPTER 11 TRUSTEE'S REQUEST FOR ORAL
ARGUMENT ON SECTION 157(B)(5) MOTION**

Robert J. Keach, the chapter 11 trustee of Montreal Maine & Atlantic Railway, Ltd., hereby requests that the Court conduct oral argument on the Trustee's motion for an order transferring cases pursuant to 28 U.S.C. § 157(b)(5) [D.E. 1] (the "Section 157(b)(5) Motion"). In support of this request, the Trustee states as follows:

Pursuant to this Court's local rules, the Court may, upon request of counsel, exercise its discretion to hear oral arguments in support of a motion. *See* D. Me. L.R. 7(f). The Section 157(b)(5) Motion raises nuanced issues of bankruptcy jurisdiction and seeks relief that is important to the administration of the chapter 11 bankruptcy estate. Specifically, the motion seeks an order transferring civil actions that are pending in another federal district court and a civil action that is pending in a state court in Illinois. The transfer of cases by the order of a court other than the court in which the cases are pending—while clearly contemplated by section 157(b)(5)—is a somewhat unique process. As the Court is aware, there has been substantial briefing in support of, and in opposition to, the Section 157(b)(5) Motion. There has also been a similar request by one of the defendants in the cases which the Trustee has asked the Court to transfer. *See* Motion to Transfer Certain Personal Injury Tort and Wrongful Death Lawsuits to the Maine District Court Pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 [D.E. 2]. In light of the

foregoing, the Trustee submits that the Court's deliberative process would be aided by oral argument during which the parties can address the Court's questions and concerns.

WHEREFORE, the Trustee requests that this Court schedule oral arguments regarding the Section 157(b)(5) Motion.

Dated: December 2, 2013

ROBERT J. KEACH,
CHAPTER 11 TRUSTEE OF MONTREAL
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

/s/ Michael A. Fagone
Michael A. Fagone, Esq.
D. Sam Anderson, Esq.
BERNSTEIN, SHUR, SAWYER & NELSON, P.A.
100 Middle Street
P.O. Box 9729
Portland, ME 04104
Telephone: (207) 774-1200
Facsimile: (207) 774-1127
E-mail: mfagone@bernsteinshur.com

CERTIFICATE OF SERVICE

I, Michael A. Fagone, Esq., of Bernstein, Shur, Sawyer & Nelson, P.A., hereby certify that on December 2, 2013, I electronically filed the *Chapter 11 Trustee's Request for Oral Argument on Section 157(b)(5) Motion* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys/parties of record who have registered as CM/ECF participants.

Dated: December 2, 2013

ROBERT J. KEACH,
CHAPTER 11 TRUSTEE OF MONTREAL
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

/s/ Michael A. Fagone

Michael A. Fagone, Esq.

D. Sam Anderson, Esq.

BERNSTEIN, SHUR, SAWYER & NELSON, P.A.

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P.O. Box 9729

Portland, ME 04104

Telephone: (207) 774-1200

Facsimile: (207) 774-1127

E-mail: mfagone@bernsteinshur.com